

Notice of Agency Rule-making Proposal

AGENCY: Department of Environmental Protection

RULE TITLE OR SUBJECT:

Chapter 500: Stormwater Management

Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development, and Urban Impaired Streams

PROPOSED RULE NUMBER:

CONCISE SUMMARY: Chapters 500 and 502 have been in effect without revision since December 1997. The existing Chapter 500 describes quantity and quality standards required under the Stormwater Law; and Chapter 502 lists watersheds of waterbodies most at risk from new development, and sensitive and threatened regions or watersheds. In 2003, the Legislature issued a mandate that the department consult with a stormwater stakeholders group comprised of engineers, municipal officials, other state agencies, and professionals representing entities with a vested interest in stormwater management. The overarching goal of this stakeholder process was to improve stormwater management in Maine. To help guide the development of recommendations, the stakeholders agreed to four guiding principles.

The proposed changes to these chapters can be broadly summarized as follows.

1. Quantity and quality standards in Chapter 500 have been revised to provide more effective and meaningful protection by streamlining them into one set of standards focused on the protection of water quality. A variety of treatment options are available to meet standards and, in some cases, provisions are built in for compensation fees and mitigation, providing flexibility without sacrificing protection.
2. All projects subject to the Stormwater Law will be required to meet standards aimed at protecting water quality, eliminating differential regulation based on location. Treatment will be provided in watersheds of pristine waters as well as waters in more developed watersheds. Protecting all of Maine's waters equally addresses the unintended consequence of sprawl.
3. A single threshold of one acre of disturbance will eliminate multiple, and sometimes confusing, thresholds for jurisdiction. A threshold based on disturbed area will also allow consolidation of the permit application with the notice requirements of the Maine Construction General Permit (MCGP), in most cases eliminating dual permit processing requirements.
4. Quality treatment in all watersheds will contribute a measure of protection not currently provided and forestall water quality degradation resulting from untreated stormwater runoff. Protection has been added for urban impaired streams while retaining designations for most at risk lakes to provide protection for these more eminently threatened resources.

Overall, improving the effectiveness of stormwater management in Maine relies largely on providing an effective and understandable regulation. Together, stakeholders and department staff have crafted a regulation that will provide increased protection for the water quality of Maine's protected natural resources, while simplifying the permit process.

The draft rules are posted on the department's web site at <http://www.state.me.us/dep/blwq/rule.htm>. Comments may be submitted by mail at the address below, by fax at (207) 287-7191, or by email to the address below. To ensure consideration, comments must include your name and the organization you represent, if any. Please be aware that any risk of non-delivery associated with submissions by fax or email is on the sender.

THIS RULE WILL__ WILL NOT_X_ HAVE A FISCAL IMPACT ON MUNICIPALITIES.

STATUTORY AUTHORITY: 38 M.R.S.A. § 420-D

PUBLIC HEARING: August 19, 2004; 1:30 P.M.; Holiday Inn/Ground Round, Augusta

DEADLINE FOR COMMENTS:

September 1, 2004

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